

# EXHIBIT 13

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DARRYL CHALMERS, DARREN CONNORS,  
GLENN MENDEZ, JAMES NOVA, and  
FATIMA Q. ROSEMOND,

1:20-cv-03389

On behalf of themselves and all  
others similarly situated, and  
AFSCME DISTRICT COUNCIL 37  
LOCAL 2507, on behalf of its  
Members

Plaintiffs,

v.

CITY OF NEW YORK,

Defendant.

-----x

April 23, 2021  
10:04 a.m.

DEPOSITION of CITY OF NEW YORK, the  
Defendant herein, by TIMOTHY EDWIN HOGAN, taken by  
the attorneys for the Plaintiffs, pursuant to  
Notice, held via Web conference at the above date  
and time, before Maureen McCormick, a Notary  
Public of the State of New York.

1 T. Hogan

2 And would you agree that the core  
3 responsibility of building inspectors is ensuring  
4 safety and code enforcement?

5 A. Yes.

6 MS. EARDLEY: And I'm finished with  
7 Exhibit 2. I'd like to move on to Exhibit  
8 3. Actually, I apologize. Not Exhibit 3.  
9 I won't use an exhibit right now.

10 Can we stop chairing the screen?

11 Thank you.

12 Q. Mr. Hogan, are the responsibilities of  
13 building inspectors set forth in tasks and  
14 standards for the Department of Buildings?

15 A. There are some tasks and standards and  
16 requirements of what they're required to do.

17 Q. I'd like to discuss some tasks and  
18 standards with you, as well as just general job  
19 responsibilities to see the job responsibilities  
20 of building inspectors.

21 Is it the responsibility of building  
22 inspectors to prepare reports of inspections and  
23 their findings?

24 A. Yes.

25 Q. Is it the responsibility of building

1 T. Hogan

2 inspectors to ensure that reports are complete,  
3 accurate, detailed and concise?

4 A. Yes.

5 Q. Is it the responsibility of building  
6 inspectors to ensure that reports and memos are  
7 written legibly using the appropriate code  
8 terminology?

9 A. Yes.

10 Q. And has it the responsibility of  
11 building inspectors to ensure that reports are  
12 submitted in a timely manner?

13 A. Yes.

14 Q. And that recommendations and reports  
15 are based on facts?

16 A. Yes.

17 Q. Has that been the case for building  
18 inspectors from 2012 to the present?

19 A. Yes.

20 MS. HADAGHIAN: Objection to form.

21 Q. Is it also the responsibility of the  
22 building inspectors to perform inspections  
23 assigned to them to ensure compliance with laws,  
24 rules and regulations?

25 A. Yes.

1 T. Hogan

2 Q. Has that been the case from 2012 to  
3 the present?

4 A. Yes.

5 Q. Are building inspectors also  
6 responsible for understanding laws, rules and  
7 regulations that they enforce?

8 A. Yes.

9 Q. And has that been the same from 2012  
10 to the present?

11 A. Yes.

12 Q. Do building inspectors need to  
13 exercise good judgment in identifying hazards or  
14 emergency situations and take appropriate action?

15 A. Yes.

16 Q. And has that been the case from 2012  
17 to the present?

18 A. Yes.

19 Q. So now I'd like to ask about  
20 communication responsibilities of building  
21 inspectors.

22 Are building inspectors expected to  
23 maintain themselves in a professional and  
24 courteous manner?

25 A. Yes.

1 T. Hogan

2 Q. And has that been the same from 2012  
3 to the present?

4 A. Yes.

5 Q. Are they expected to be courteous with  
6 fellow coworkers, as well as members of the  
7 public?

8 A. Yes.

9 Q. And has that been the same from 2012  
10 to the present?

11 A. Yes.

12 Q. Are they also supposed to maintain  
13 good uniform appearance?

14 A. Yes.

15 Q. And has that also been the same from  
16 2012 to the present?

17 A. Yes.

18 Q. Is it the responsibility of building  
19 inspectors under your control to be punctual to  
20 all appointments?

21 A. Yes.

22 Q. And have you had that same expectation  
23 from 2012 through the present?

24 A. Yes.

25 Q. Now, I'd like to talk a little bit

1 T. Hogan

2 about preparing summonses or violations.

3 Is it the responsibility of building  
4 inspectors under your control to issue violation  
5 notices?

6 A. Yes.

7 Q. And has that been their responsibility  
8 from 2012 to the present?

9 A. Yes.

10 Q. Is it also the responsibility of  
11 building inspectors to maintain appropriate  
12 records and notes?

13 A. Yes.

14 Q. Has that been from 2012 to the  
15 present?

16 A. Yes.

17 Q. Is it the responsibility of building  
18 inspectors to meet productivity standards  
19 established by the department?

20 A. We have service levels that we  
21 encourage them to meet.

22 Q. I understand, but those are the goals  
23 that you set -- you set goals in terms of  
24 productivity for your building inspectors; is that  
25 correct?

1 T. Hogan

2 A. Yes.

3 Q. So I'd also like to talk about  
4 building inspectors with regard to customer needs  
5 or questions that arise when talking with the  
6 public.

7 Do you expect your building inspectors  
8 to tailor their response to the customers' needs  
9 and provide strong solutions to respond?

10 A. I'm not sure I understand that  
11 question.

12 Q. Maybe let's break it down a little  
13 bit.

14 Do you expect building inspectors to  
15 give quality referrals to customers?

16 A. Give them referrals to the sections of  
17 the code that they're not complying with, and not  
18 allowed to give referrals to people to carry out  
19 the duties.

20 They're not allowed to make  
21 recommendations about how you fix something, other  
22 than to refer them to the code or to have their  
23 engineer do a study to figure out how to do it,  
24 but they can't tell them, the way you fix this is  
25 A, B, C. It's not their authority to do so.



1 T. Hogan

2 Q. Understood.

3 Might they also refer them to the  
4 appropriate sister agency?

5 A. Yes.

6 Q. And relatedly to communication, do you  
7 expect your building inspectors to try to take  
8 measures to ensure that conflict does not occur?

9 A. Yes.

10 Q. And to show patience and courtesy with  
11 individuals who are lodging complaints?

12 A. Yes.

13 Q. And do you have building inspectors  
14 whose responsibility is to supervise other  
15 inspectors?

16 A. Yes.

17 Q. And are they responsible for reviewing  
18 inspection reports for accuracy in the way they  
19 are submitted?

20 A. Yes.

21 Q. And has that been the same from 2012  
22 to the present?

23 A. Yes.

24 Q. Are those supervising inspectors  
25 responsible for evaluating the work of other

1 T. Hogan

2 inspectors under their authority?

3 A. Yes.

4 Q. And are they also responsible for

5 addressing any backlogs of work?

6 A. Yes.

7 Q. And has that been the same from 2012

8 to the present?

9 A. Yes.

10 Q. Are they also responsible for

11 addressing inspector call-ins when an inspector

12 calls out?

13 A. Day-to-day attendance issues, yes.

14 Q. And does that include conducting

15 random callbacks?

16 A. Generally, no.

17 Q. Does that happen sometimes?

18 A. I'm sure it happens sometimes, but we

19 don't have a requirement they make callbacks to

20 somebody who is on a restriction. For example,

21 may be a callback that goes to them.

22 Q. Are they also responsible for

23 understanding the routine office procedures as a

24 supervising inspector?

25 A. Yes.

1 T. Hogan

2 Q. And has that been the same from 2012  
3 to the present?

4 A. Yes.

5 Q. Do supervising inspectors also take  
6 responsibility for maybe the more difficult  
7 inspections?

8 A. In some instances, supervisors,  
9 assistant chiefs or chiefs will go to the field  
10 with particular issues that have arisen.

11 Q. And does the supervising inspector  
12 fill in for their supervisor if their supervisor  
13 is absent?

14 A. In some instances, yes.

15 Q. And has that generally been the same  
16 from 2012 to the present?

17 A. Yes.

18 Q. Do supervising inspectors have any  
19 responsibility with administration of exams?

20 A. As far as the DCAS exam is concerned?

21 Q. Yes.

22 A. There have been DCAS committees where  
23 we have had representatives from different levels  
24 who contributed to questions related to exams.

25 Q. Are there any other examinations that

1 T. Hogan

2 supervising inspectors would assist with?

3 A. There are some where we do in-service  
4 training, where we do quizzes or some type of  
5 testing at the end to make sure that they have a  
6 general understanding and knowledge of the areas  
7 covered, and those are usually developed by  
8 supervisors or chiefs and assistant chiefs.

9 Q. And then they would administer that  
10 exam, as well?

11 A. That's correct.

12 Q. And is that process of administering  
13 that exam been the same from 2012 to the present?

14 A. It's changed a little bit, because  
15 we've expanded some of the field training and  
16 service training, but basically it's the same  
17 principles.

18 Q. Do supervising inspectors sometimes  
19 perform a post inspection of what an inspector has  
20 done?

21 A. The requirements are that all  
22 inspectors, including the supervisors, have a  
23 quality assurance quality control inspection done  
24 on them a few times a year, and so they will do  
25 both a joint inspection with an inspector, or they

1 T. Hogan  
2 will do a follow-up inspection to see whether or  
3 not an inspector picked up on anything that the  
4 supervisor would see, and an evaluation is done as  
5 to whether that inspector needs additional  
6 training or additional, you know, attention to  
7 particular areas he or she may have failed to  
8 notice something, and make recommendations from  
9 the supervisor where someone needs improvement,  
10 and we work with them to try and improve their  
11 capabilities and skills.

12 Q. And is that the same for the -- you're  
13 saying expectation for supervising inspectors from  
14 2012 through the present?

15 A. Yes. Again, with refining of the  
16 process, and, you know, make changes to it, but,  
17 you know, we have increased the amount of detail  
18 that we've expected the supervisory people to do  
19 during those inspections.

20 Q. Would it also be the same for  
21 supervising inspectors across the board,  
22 regardless of their general specific specialty?

23 A. Yes, every -- every supervisor is  
24 responsible to do QA and QC checks. Every  
25 assistant chief is responsible to check up on the

1 T. Hogan

2 supervisors that work for them to make sure  
3 they're doing it, as well as check their  
4 implementation of QA QC to make sure it's in  
5 compliance, and then the chief's ultimately  
6 responsible to make sure that the assistant chiefs  
7 are doing their job.

8 Q. Do building inspectors who are  
9 supervisory inspectors assess the performance of  
10 inspectors as part of their job duties?

11 A. Yes.

12 Q. And has that been the same from 2012  
13 to the present?

14 A. Yes.

15 MS. EARDLEY: So Madame Court  
16 Reporter, I'm now ready to use Exhibit 3,  
17 "Tasks and Standards."

18 Q. Mr. Hogan, do you see what been marked  
19 Exhibit 3 on your screen?

20 A. Yes.

21 Q. I'm going to scroll through this just  
22 generally quickly -- at first quickly so you can  
23 see the format of the document and hopefully  
24 recognize it.

25 So Mr. Hogan, I have clicked through